

## **REMARKS/ARGUMENTS**

Applicant responds herein to the Office Action dated January 11, 2005. A Petition for Extension of Time (two months) and the fee therefor are enclosed.

This Amendment follows a lengthy interview with the Examiner on or about May 24, 2005. The Examiner's great deal of patience and time expended on this matter during the interview with the applicant's undersigned representative and the courtesies granted during that interview are greatly appreciated.

The Examiner and the applicant's representative discussed at length the basis of the assertion in the Final Rejection that the instant claims are rejectable under 35 U.S.C. §101, because they constitute a mix of "process" and "apparatus" steps.

Subsequently, the Examiner and applicant's representative have painstakingly discussed language which the Examiner indicated would overcome the rejections that are set forth at paragraphs 3-5 of the Office Action.

It is believed and respectfully submitted that, as amended, the claims in the application no longer can be stated to be directed to a construct which is made up of a mixture of apparatus and process steps. Accordingly, the Examiner is respectfully requested to reconsider the claims in light of their amendment herein and to withdraw the subject rejections under 35 U.S.C. §101.

Substantively, claims 33-37 are being rejected on grounds of obviousness over Tanaka (5,078,832), in view of Sanada (5,843,527). Further, claims 9-12 and 25-28 are submitted to be obvious in view of Tomita (5,634,980) and Sanada and further in view of Tanaka. Still further, claims 9-12, 25-28 and 33-37 are stated to be obvious in view of Giffin (4,161,356) in view of Sanada and in further view of Tanaka. Reconsideration is requested in view of the amendments to the claims herein and the following remarks.

During the aforementioned interview, the applicant's undersigned representative strongly urged that a construct, i.e., an apparatus, that includes a "structural" controller which contains the internal hardware/software that causes the ultraviolet emitter to emit the light so that it impinges on the cleaning solution to produce radicals, etc., which ultimately result in a highly improved wafer cleaning apparatus, is nowhere disclosed in the prior art.

Although the Examiner understood the argument, he indicated that he would not commit to the patentability of such a claim, pending further review of the prior art of record or pending the carrying out of a possible further search.

It is noted, that in the "Response to Arguments" section of the Office Action (page 7 thereof), the Examiner acknowledges that he understood the applicant's argument that the ultraviolet light is caused by the controller to impinge on the cleaning solution having ozone dissolved in the ionized water.

Still, the Examiner urged that none of the claims currently pending recite that the ultralight is emitted onto the cleaning solution. It was pointed out during the aforementioned interview that the claims explicitly recite that the controller is instrumental in controlling the nozzles to supply power "to said emitter to emit ultraviolet light to said cleaning solution supplied to said substrate". Therefore, contrary to the assertion in the Office Action, the claims actually describe that feature, and that feature is not urged in the Office Action to be present in the prior art of record. The prior art does not contain or disclose such a "controller" as in the present claims. Accordingly, it is respectfully submitted that independent claims 9, 25 and 33 are clearly directed to patentable subject matter and, in the absence of any relevant different prior art, these claims should be allowed.

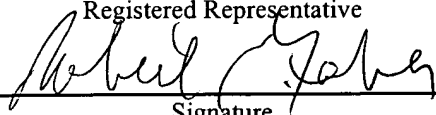
In view of the fact that the remaining claims in the application incorporate limitations of their main independent claims and impose further limitations thereon, they clearly are similarly directed to patentable subject matter.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 13, 2005

Robert C. Faber

Name of applicant, assignee or  
Registered Representative

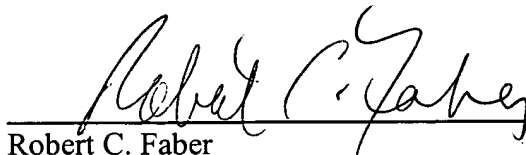


Signature

June 13, 2005

Date of Signature

Respectfully submitted,



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